

**KRAMER | AMADO<sub>PC</sub>**PATENT RESEARCH SERVICES  
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**TO:** Mail Stop PCT  
USPTO

**FAX NO.:** (571) 273-0459

**FROM:** Andreas Baltatzis  
KRAMER & AMADO, P.C.

**DATE:** July 12, 2006

**SUBJECT:** PCT Application  
Title: IN VITRO METHOD TO DETECT BLADDER  
TRANSITIONAL CELL CARCINOMA  
Serial No.: 10/550,608  
Attorney Docket No.: ABG 3008

**PAGES:** INCLUDING COVER PAGE (12)

12 JUL 2006

Legal Staff  
International Division

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Please see attached, our Petition sent in on April 19, 2005 and the Oath and Declaration. Per my conversation with the customer service rep with the PCT branch, the original Oath and Declaration was inadequate due to the lack of signature from one of the inventors. I explained we could not obtain the signature and that we filed a Petition that would allow the Oath and Declaration, he said he did not see it on the system and that I should re-submit it to the PCT fax number. This should clear up our problem with the Missing Requirements for the Oath and Declaration.

**Original Stamped Return Postcard from April 19, 2005**

- Original Transmittal Form
- Original Fee Transmittal
- Original Credit Card Form for \$200.00
- Original Petition
- Declaration and POA

In the event that the fees submitted herewith are insufficient, please charge any remaining balance, or credit any overpayment, to our Deposit Account Number 50-0578.

Atty. Docket: ABG 3008  
Applicants: Martinez, et al.  
Serial No.: 10/550,608  
Filing Date: September 26, 2005

Today's Date: April 19, 2006

Title: IN VITRO METHOD TO DETECT BLADDER TRANSITIONAL CELL CARCINOMA

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

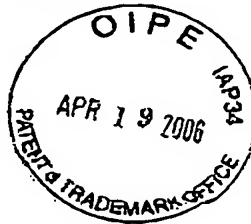
- Transmittal Form
- Fee Transmittal form
- Credit Card form for \$200.00
- Petition to file Under 37 C.F.R. 1.47 (3 pages)
- 4 Exhibits

Return to:

Andreas Baltatzis  
KRAMER & AMADO, P.C.  
1725 Duke Street, Suite 240  
Alexandria, VA 22314

Due Date: None

TWK/AMA/AB/rab



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/550,608

Filing Date

September 26, 2005

First Named Inventor

Martinez, et al.

Art Unit

Unassigned

Examiner Name

Unassigned

Attorney Docket Number

ABG 3008

**ENCLOSURES**

(Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

4 Exhibits, Return Postcard

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Kramer &amp; Amado, P.C.

Signature

Printed name

Andreas Ballatzis

Date

4/19/06

Reg. No.

56,794

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (01-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 200.00

**Complete if Known**

Application Number	10/550,608
Filing Date	September 26, 2005
First Named Inventor	Martinez, et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	Unassigned

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 500578 Deposit Account Name: Terry W. Kramer

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims:          Extra Claims:          Fee (\$):          Fee Paid (\$):         - 20 or HP =          x          =           
HP = highest number of total claims paid for, if greater than 20.Indep. Claims:          Extra Claims:          Fee (\$):          Fee Paid (\$):         - 3 or HP =          x          =           
HP = highest number of independent claims paid for, if greater than 3.Multiple Dependent Claims  
Fee (\$):          Fee Paid (\$):         **3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets:          Extra Sheets:          Number of each additional 50 or fraction thereof:          Fee (\$):          Fee Paid (\$):         - 100 =          / 50 =          (round up to a whole number) x          =         **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$):         Other (e.g., late filing surcharge): Petitions requiring the petition fee set forth in 37 CFR 1.17(g)

\$200

**SUBMITTED BY**

Signature

Registration No.  
(Attorney/Agent) 56,794

Telephone 703-519-9801

Name (Print/Type) Andreas Baltatzis

Date 4/19/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO-2038 (02-2006)

Approved for use through 02/28/2009. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**United States Patent and Trademark Office**  
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**Credit Card Account #:** [REDACTED]

**Credit Card Expiration Date:** 08/08

**Name as it Appears on Credit Card:** Terry Kramer

**Payment Amount: \$ (US Dollars):** 200.00

**Cardholder Signature:** Terry W. Kramer

**Date:** April 18, 2006

**Refund Policy:** The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

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**City:** Alexandria

**State/Province:** VA

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**Country:** US

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**Fax #:** 703-519-9802

**Request and Payment Information**

**Description of Request and Payment Information:**

<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No. 10/550,608	Application No.	Application No.	IDON Customer No.
Patent No. Unassigned	Patent No.	Registration No.	
Attorney Docket No. ABG 3008		Identify or Describe Mark	

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**PATENT**

**IN THE UNITED STATE PATENT AND TRADEMARK OFFICE**

In re application of:	:	Martínez et al.
	:	
For:	:	IN VITRO METHOD TO DETECT BLADDER TRANSITIONAL CELL CARCINOMA
	:	
Serial No.	:	10/550,608
	:	
Filed	:	September 26, 2005
	:	
Art Unit	:	Unassigned
	:	
Examiner	:	Unassigned
	:	
Attorney Docket No.	:	ABG 3008
	:	
Confirmation No.	:	Unassigned

**PETITION TO FILE ON BEHALF OF INVENTOR WHO REFUSES TO JOIN IN  
APPLICATION UNDER 37 C.F.R. § 1.47**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

One of the joint inventors of the above referenced application has refused to join in the application for patent. Therefore, the Applicants hereby petition to make the application on their behalf and the nonsigning inventor.

A *bona fide* attempt to comply with the requirements of 37 C.F.R. § 1.47 has been made as discussed in detail below.

The pertinent facts of the case have been presented in a letter from the Assignee's Foreign Legal Representative attached as Exhibit A. The Assignee and the Assignee's Legal Representative have performed the following steps on the Applicants' behalf in order to contact the nonsigning inventor, Miguel Molina Vila:

Application No.: 10/550,608  
Attorney Docket No.: ABG 3008

1. On September 29, 2005, the Assignee, PROGENIKA BIOPHARMA, S.A. mailed a copy of the Assignment and Declaration and Power of Attorney to the last known address of the nonsigning inventor, along with a copy of the abstract of the PCT application. The mailing is attached as Exhibit B. The nonsigning inventor did not reply to the first letter.
2. On November 3, 2005, the Assignee, PROGENIKA BIOPHARMA, S.A. mailed a copy of the Assignment and Declaration and Power of Attorney to the last known address of the nonsigning inventor, along with copies of the Assignment and Declaration and Power of Attorney signed by all of the other inventors. The mailing is attached as Exhibit C. The nonsigning inventor did not reply to the second letter.
3. Following the lack of response by the nonsigning inventor, the Applicants attempted to locate the inventor through the Spanish equivalent of the personal phone directory or "Yellow Pages" and discovered that the nonsigning inventor was not listed.
4. The Assignee's Legal Representative, ABG PATENTES obtained the email address of the inventor. On February 7, 2006, the ABG PATENTES emailed the nonsigning inventor electronic copies of the Assignment and Declaration and Power of Attorney. The nonsigning inventor replied through email asking for the best way to sign and return the documents.
5. On February 8, 2006, the nonsigning inventor wrote an email asking to change the address on the Declaration and Power of Attorney to his new home address without providing the address. The nonsigning inventor also asked if he would lose ownership rights in the patent application by signing the assignment.
6. On February 9, 2006, ABG PATENTES responded to the inventor stating that they would change the address in the Declaration and Power of Attorney if provided. Also, ABG PATENTES stated that according to the nonsigning inventor's contract signed with Assignee, the nonsigning inventor was required to assign all ownership rights in the patent application to the Assignee. A copy of the contract was included with the email.
7. The nonsigning inventor did not respond to the email dated February 9, 2006.
8. ABG PATENTES emailed a reminder to the nonsigning inventor on February 15, 2006 and did not receive a response.
9. ABG PATENTES emailed a reminder to the nonsigning inventor on February 20, 2006 and did not receive a response.
10. ABG PATENTES emailed a reminder to the nonsigning inventor on March 9, 2006 that included copies of the application documents as filed in the U.S.P.T.O., and the assignment documents. The nonsigning inventor did not respond to the email of March 9, 2005.

Application No.: 10/550,608  
Attorney Docket No.: ABG 3008

We have attached the email correspondence between the nonsigning inventor and ABG PATENTES summarized above as Exhibit D.

The last known address of the nonsigning inventor is:

Miguel Molina Vila  
C/ Pintura 1, 5º, 2ª  
08035- Barcelona

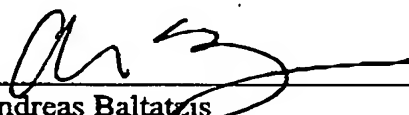
A *bona fide* attempt to comply with the requirements of 37 C.F.R. § 1.47 has been made as discussed in detail below. The nonsigning inventor has refused to join in the signing of the application.

In view of the above, Applicants request that the Petition be granted.

Respectfully submitted,

4/17/06  
Date

KRAMER & AMADO, P.C.

  
\_\_\_\_\_  
Andreas Baltatzis  
Reg. No. 56,794



## PATENT APPLICATION

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**  
**ATTORNEY DOCKET NO. ABG 3008** **CUSTOMER NUMBER: 30868**

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IN VITRO METHOD TO DETECT BLADDER TRANSITIONAL CELL CARCINOMA**

the specification of which is attached hereto unless the following box is checked:

(X) was filed on March 25, 2004 as PCT International Application Number PCT/EP04/003219 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

**Foreign Application(s) and/or Claim of Foreign Priority**

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119	
PCT	PCT/EP04/003219	03/25/2004	YES:	NO: X
Spain	P200300708	03/26/2003	YES: X	NO:

**Provisional Application**

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

**U.S. Priority Claim**

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS (patented/pending/abandoned)

## PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
ATTORNEY DOCKET NO. ABG 3008 CUSTOMER NUMBER: 30868

## Power of Attorney:

As a named inventor, I hereby appoint the attorney(s) and/or agent(s) under Customer Number 30868 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

## Send correspondence to:

Arlir M. Amado  
Kramer & Amado, P.C.  
1725 Duke Street, Suite 240  
Alexandria, VA 22314  
Phone: (703) 519-9801  
Fax: (703) 519-9802

## Direct telephone calls to:

Arlir M. Amado  
(703) 519-9801

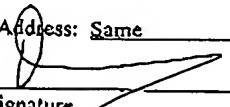
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Antonio Martinez Martínez

Citizenship: Spain

Residence: Parque Tecnológico de Zamudio, Ibaizabal Bidea - Edificio 801 - B 2ª planta, E-48160 DERIO - Vizcaya, Spain

Post Office Address: Same

Inventor's Signature 

Date

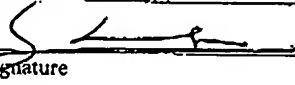
24. Oct. 2005

Full Name of Inventor: Laureano Simón Bucla

Citizenship: Spain

Residence: Parque Tecnológico de Zamudio, Ibaizabal Bidea - Edificio 801 - B 2ª planta, E-48160 DERIO - Vizcaya, Spain

Post Office Address: Same

Inventor's Signature 

Date

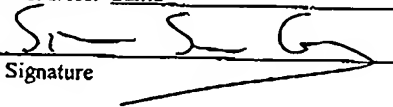
24. Oct. 2005

Full Name of Inventor: Simon Santa Cruz

Citizenship: Great Britain

Residence: Parque Tecnológico de Zamudio, Ibaizabal Bidea - Edificio 801 - B 2ª planta, E-48160 DERIO - Vizcaya, Spain

Post Office Address: Same

Inventor's Signature 

Date

24. Oct. 2005


## PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
ATTORNEY DOCKET NO. ABG 3008 CUSTOMER NUMBER: 30868

Full Name of Inventor: María Pilar Sáenz Jiménez Citizenship: Spain

Residence: Parque Tecnológico de Zamudio, Ibaizabal Bidea - Edificio 801 - B 2ª planta, E-48160 DERIO - Vizcaya, Spain

Post Office Address: Same

Inventor's Signature 

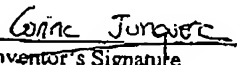
Date

24/10/2005

Full Name of Inventor: Corina Junquera Sánchez-Vallejo Citizenship: Spain

Residence: Parque Tecnológico de Zamudio, Ibaizabal Bidea - Edificio 801 - B 2ª planta, E-48160 DERIO - Vizcaya, Spain

Post Office Address: Same

Inventor's Signature 

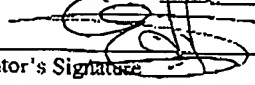
Date

24.04.2005

Full Name of Inventor: José Javier Gómez Román Citizenship: Spain

Residence: HOSPITAL UNIVERSITARIO MARQUÉS DE VALDECILLA, Avda. Valdecilla s/nE-39008 Santander, Spain

Post Office Address: Same

Inventor's Signature 

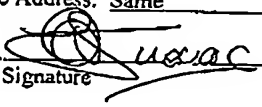
Date

24.04.2005

Full Name of Inventor: Jorge Cuevas González Citizenship: Spain

Residence: HOSPITAL UNIVERSITARIO MARQUÉS DE VALDECILLA, Avda. Valdecilla s/nE-39008 Santander, Spain

Post Office Address: Same

Inventor's Signature 

Date

24.04.2005

**PATENT APPLICATION**

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**  
**ATTORNEY DOCKET NO. ABG 3008** **CUSTOMER NUMBER: 30868**

Full Name of Inventor: Miguel Molina VilaCitizenship: SpainResidence: C/ Pintura 1, 5º 2ª. E-08035 Barcelona, SpainPost Office Address: Same

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	6137
RECIPIENT ADDRESS	703 5199802
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PGS.	12
RESULT	OK